

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

Case No. 5:18-mj-381 (ATB)

KEITH E. HOOK )

Defendant )

## CRIMINAL COMPLAINT

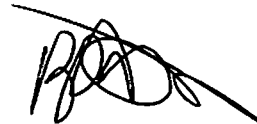
I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of April 30, 2018 through May 4, 2018 in the county of Oswego in the Northern District of New York the defendant violated:

*Code Section*  
18 U.S.C. § 2252A(a)(2)(A)

*Offense Description*  
Distribution of Child Pornography

This criminal complaint is based on these facts:  
See attachment

☒ Continued on the attached sheet.



*Complainant's signature*

Brad Brechler, SA HSI

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 7/2/2018



*Judge's signature*

City and State: Syracuse, NY

Hon. Andrew T. Baxter, U.S. Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Brad Brechler, a Special Agent (SA) with Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of HSI since October 2009 and am currently assigned to the Syracuse Resident Agent in Charge. While employed by HSI, I have investigated federal criminal violations related to cyber-crime, child exploitation, and child pornography. I have gained experience through training by HSI and everyday work relating to conducting these types of investigations. I have also been the Affiant for and participated in the execution of several federal search warrants in child sexual exploitation investigations.

2. I am an investigative or law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). As a Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors, specifically those involving the possession, transportation and distribution of child pornography in violation of Title 18, United States Code, Section 2252A.

3. This affidavit is made in support of a criminal complaint charging Keith E. Hook with violation of Title 18, United States Code, Section 2252A(a)(2)(A); (distribution of child pornography).

4. The statements in this affidavit are based in part on information provided by HSI Buffalo SA Nicholas Melchiorre and other HSI agents, and my investigation of this matter. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have

not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Keith E. Hook has violated Title 18, United States Code, Section 2252A(a)(2)(A);

#### **Kik Messenger Application**

5. The Kik Messenger application is primarily a social media mobile device platform designed and managed by Kik Interactive Incorporated, a Waterloo, Canada based company, for the purpose of mobile messaging and communication. To use this application, a user downloads the mobile messaging application via an applications service such as the Google Play Store, Apple iTunes, or other similar mobile application provider. Once downloaded and installed, the user is prompted to create an account and a username. This username will be the primary account identifier. The user also has a display name, which will be what other users initially see when transmitting messages back and forth. As part of the account creation process, Kik users are asked to supply a valid email address, create a password, provide an optional date of birth, and user location. The user also has the option of uploading a “profile avatar” that is seen by other users. Once the Kik user has created an account; the user is able to locate other users via a search feature. The search feature usually requires the user to know the intended recipient’s username. Once another user is located or identified, Kik users can send messages, images, and videos between the two parties.

6. Kik Messenger also allows users to create chat rooms, of up to 50 people, for the purpose of communicating and exchanging images and videos. These rooms are administered by the creator who has the authority to ban and remove other users from the created room. According to Kik Messenger, more than 40% of the Kik users chat in “groups” and approximately 300,000 new groups are created every day. These groups are frequently created with a “hashtag” allowing

the group or chat to be identified more easily. Once the group or chat is created Kik users have the option of sharing the “link” with all of their contacts or anyone they wish.

7. Kik Messenger users frequently advertise their Kik usernames on various social networking sites in order to meet and connect with other users. In some cases, Kik also provides various avenues, such as dating sites and social media applications, for meeting other users. HSI undercover agents observed, in various chats, that many of the users stated they felt safe using Kik Messenger as a means of trading child pornography and for other illegal activities due to the fact that “Kik is a Canadian based company and not subject to the same United States laws.” HSI undercover agents have noted messages posted in Kik Messenger chat rooms relating to the enforcement, deletion, or banning of users and rooms by Kik Messenger for the purpose of exchanging or distributing child pornography. HSI agents noted the comments to include the continued creation of new rooms and new user accounts to circumvent Kik Messenger’s enforcement efforts.

### **BACKGROUND OF THE INVESTIGATION**

#### **UNDERCOVER CHATS WITH Capnhook1064**

8. On April 30, 2018, Homeland Security Investigations (HSI) Buffalo Special Agent (SA) Nicholas Melchiorre was conducting online undercover operations on the chat platform AntiChat.<sup>1</sup> AntiChat user “Capn” sent SA Melchiorre’s undercover persona (hereinafter UC) a private message asking, “are you gay/bi/straight?” During the ensuing conversation the “Capn” user identified himself as being from Syracuse and asked the UC if he had a daughter, to which the UC stated that he had a 12-year-old daughter. “Capn” told the UC that he had fantasies about

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<sup>1</sup> AnitChat advertises itself as an anonymous chat platform that does not allow the posting of personal information to its application. SA Melchiorre clicked on user Capn’s profile to identify any information available. Capn’s profile picture is a blue fish. The user name Capn has an image of an anchor at the end of it. User Capn’s profile identified him as a 50-year-old male.

having sex with a young daughter. “Capn” then asked the UC if he used the chat application Qik. The UC stated he did not, but confirmed that he did have a Kik messenger account. “Capn” then identified his Kik username to the UC as “Capnhook1064.”

9. Shortly thereafter SA Melchiorre logged into his undercover Kik account and continued the conversation with Kik user “Capnhook1064.” SA Melchiorre identified Kik user Capnhook1064’s screen name as “Capn Hook” with an image of a key next to the “k” in hook. Capnhook1064’s profile picture is of a blue colored soda/beer can with the Buffalo Bills NFL football team logo on the side. The can is sitting on a white object with grass in the background.

10. On April 30, 2018, at approximately 9:19 am, Kik application user Capnhook1064 began a Kik private message (PM) conversation with the UC.<sup>2</sup> During the course of that conversation Capnhook1064 sent the UC a video file of a prepubescent female approximately 10-12 years of age standing in what appears to be her bedroom taking a self-made video. The child starts off wearing a blue tank top, bra, skirt, and underwear. She then takes off the tank top, skirt, and underwear exposing her vagina. The child then takes off her bra exposing her underdeveloped breasts. Later in the video the child moves her hands from her waist up to just under her breasts and then down to her vagina. She then briefly touches her vagina and then moves her hands back up to her pelvis. Capnhook stated that some guy sent him the video and then asked the UC if his 12 year old daughter was in any of his fantasies. The UC stated that she was and Capnhook responded “Mm mm that’s hot” and proceeded to ask the UC if his daughter had “ever seen your hard cock?” When told yes on accident once Capnhook asked if the 12 year old freaked out or told her mom.

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<sup>2</sup> SA Melchiorre observed and preserved the messages, images and videos that Capnhook1064 posted/uploaded to the UC that contain child pornography and child erotica. Your affiant reviewed these messages, images, and videos and they contain child pornography and child erotica. They are available for the Court’s inspection upon request. For purposes of this affidavit the Kik conversations are summarized in relevant part.

11. On April 30, 2018, at approximately 9:44 pm, Kik application user Capnhook1064 reengaged a private message (PM) conversation with the UC. During the course of that chat Capnhook1064 asked the UC if his wife knew of his interest in “younger” (referencing minor children). After the UC told the Capnhook1064 user that his wife did not Capnhook1064 indicated that he also had a wife that did not know of his interest in minor children. Capnhook1064 proceeded to tell the UC that he developed an interest in incestual relationships many years ago, and that over the years he started to like “younger and younger”. Capnhook1064 then sent the UC an image of suspected child erotica (identified as IMG\_0090). In this image a prepubescent minor female approximately 6-10 years of age is standing completely nude with a recorder instrument in her hand. The child is pictured looking down towards an adult female approximately 50-60 years of age that also appears to be fully nude and sitting behind what appears to be a keyboard. Immediately to the right of the child is a long mirror on a wall. In the reflection of the mirror, the viewer can see a blurred image of a nude adult male sitting on a piece of exercise equipment looking towards the child and adult female. The child’s nude back and buttocks are reflected in the mirror.

12. Shortly after sending the above referenced image Capnhook1064 asked the UC if he has any images of his daughter. In response to this request the UC sent Capnhook1064 an image of an age-reduced female law enforcement officer fully clothed sitting on a bed which he identified as his purported 12-year-old daughter. Capnhook1064 responded that the UC’s daughter is beautiful.

13. Capnhook1064 then asked the UC “how young would you go?” The UC stated 10-11 years of age. In response, Capnhook1064 said that is as young as he would go too, but stated that he has chatted with people where the ages they discussed “went extremely young.” The UC

asked Capnhook1064 to share one of these conversations. Capnhook1064 told the UC of a time in which he spoke to a girl about a fantasy he has in which a mother would perform oral sex on him while she is breastfeeding her child, and when he climaxed his semen would slide down the mother's breast and into the mouth of her breastfeeding daughter.

14. Later on during the chat session Capnhook1064 told the UC that he lived in Oswego County and asked the UC if he had ever seen "young porn." The UC stated that he had seen young nudes before but not engaging in sex. The user of Capnhook1064 then sent the UC a 27 second video (identified as IMG\_0102.MP4) of suspected child erotica. In this video, a prepubescent female approximately 8-12 years of age can be seen during the course of the video fully disrobing. Shortly thereafter Capnhook1064 asked the UC if he wanted to see two young boys. The UC responded, "Ummmm sure" and the Capnhook1064 user sent a 1 minute 24 second video (identified as IMG\_0104.MP4) depicting a minor male approximately 10-13 years of age performing oral sex on what appears to be an adult male. Capnhook1064 then asked the UC what he thought, to which the UC responded that it wasn't really his thing but still had to see for the first time. Capnhook1064 agreed responding that he wished it was a "lil girl doing that".

15. On May 1, 2018, the UC accessed his undercover Kik account at approximately 9:20 am and saw that the Capnhook1064 user had sent him a video of suspected child pornography at 11:39 pm on April 30, 2018. The video (identified as IMG\_0115.MP4) is 1 minute 23 seconds in length and depicts a young female child approximately 3-6 years of age performing oral sex on an adult male's penis.

16. On May 2, 2018, at 11:20 am Capnhook1064 initiated a PM conversation with the UC. Shortly after the conversation began, Capnhook1064 asked the UC about his daughter. The UC stated that she had the flu and the Capnhook1064 user asked if he wanted Capnhook1064 to

check on his daughter and see if she “needs anything”. Later Capnhook1064 asked the UC if he used the application “Wickr<sup>3</sup>,” to which the UC told Capnhook1064 he did not. Capnhook1064 told the UC that he also doesn’t mess around with “that deep web stuff.” The Capnhook1064 user also identified himself as 50 years old and asked the UC how old he was. Later the same night, the UC and Capnhook1064 again engaged in a PM conversation via Kik. Capnhook1064 again asked the UC about his daughter and when he was told she was feeling better responded “That’s good to hear...let my fantasies resume!!!”

17. On May 3, 2018, at approximately 10:37 am, Capnhook1064 initiated a PM conversation with the UC. Capnhook1064 stated that he didn’t find a “darn thing” [child pornography] last night and later sent the UC an image of suspected child erotica (identified as IMG\_0165). The image depicts three minor females (ranging in age from approximately 3 to 8 years old) sitting completely nude in a sauna. The way the minor females are sitting, no genitalia or breasts are exposed. Capnhook1064 captioned the image, “All of a sudden I like saunas.” Shortly thereafter, the Capnhook1064 user sent the UC an image of suspected child erotica (identified as IMG\_0170). In this image, a minor female and a second female (age difficult) are centered in the foreground completely nude standing on a beach with their arms around each other smiling. The minor female, approximately 10-13 years of age, is standing on the right with her vagina and underdeveloped breasts exposed. The image appears to have been taken at a nude beach and the Capnhook1064 user has captioned it “All of a sudden I wish I was at the beach.”

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<sup>3</sup> Wickr instant messaging apps allow users to exchange end-to-end encrypted and content-expiring messages, including photos, videos, and file attachments and place end-to-end encrypted video conference calls. The software is available for the iOS, Android, Mac, Windows, and Linux operating systems. The software is often used by individuals who trade CP because of its enhanced security features.



18. On May 3, 2018, at approximately 10:55 pm the UC sent Capnhook1064 an image of what he claimed was his 12 year old daughter's pink leotard lying on the floor as a thank you for sending the child erotica/child pornography images and videos. Capnhook1064 responded to the image, "Would love to see her in it...hopefully we can chat tomorrow."

19. On May 4, 2018, at approximately 11:05 am, Capnhook1064 initiated a private message conversation with the UC via Kik stating, "Happy Friday!" and sending the UC an image of suspected child pornography (identified as IMG\_0183). The image depicts what appears to be a minor child (gender hard to determine as the face is cropped only to show from the nose to the chin) approximately 6-12 years of age holding an adult male penis that is ejaculating into the minor's open mouth. The UC stated the image appeared to be homemade, to which the Capnhook1064 user agreed. Capnhook1064 then sent a link to a flickr account posting that when accessed depicted a female child approximately 2-4 years of age with a white substance pouring from her open mouth. Later that day at 6:30 pm, Capnhook1064 asked the UC if he was home with his daughter. When the UC stated that he was not, the Capnhook1064 user ended the conversation.

**IP ADDRESS SUBSCRIBER INFO RELATED TO HOOK**

20. On April 30, 2018, SA Nicholas Melchiorre sent a DHS Summons to Kik Interactive, Inc. for subscriber information related to user "Capnhook1064" (display name Capn Hook:key:). Kik Interactive, Inc. complied with the legal process and provided the following account information:

First name: Capn

Last name: Hook:key:

Email: capnhook1064@yahoo.com

Username: capnhook1064

Registration Timestamp: 2014/12/30 19:06:06 UTC

User location 5/1/2018 at 04:22:06 UTC – IP 65.110.151.217

Kik also provided IP address connection logs for "Capnhook1064" for the timeframe of April 2, 2018 to May 1, 2018. Based on an analysis of the IP address connection logs provided by Kik, the following three IP addresses were used by "Capnhook1064":

- a. 65.110.151.217 which was identified as belonging to Windstream Communications, Inc.
- b. 184.13.119.2 which was identified as belonging to Frontier Communications of America, Inc.
- c. 24.213.129.66 which was identified as belonging to Charter Communications, Inc.

21. On May 3, 2018, SA Melchiorre issued DHS administrative summonses to Windstream Communications, Inc., Frontier Communications of America, Inc. and Charter Communications, Inc. for subscriber information related to their respective IP addresses used by Kik user Capnhook1064.

- a. For IP address 65.110.151.217 Windstream Communications, Inc. provided the following account information:

|                    |   |
|--------------------|---|
| Name:              | Keith Hook                              |
| Account Address:   | Keith Hook's home address in Oswego, NY |
| Length of Service: | 11/16/2007 to present                   |
| Phone Numbers:     | 315-342-3526                            |
| Email:             | kcsahk@earthlink.net                    |

- b. For IP address 184.13.119.2 Frontier Communications provided the following account information:

|                |             |
|----------------|-------------|
| Customer name: | Hampton Inn |
|----------------|-------------|

Account Address: 157 Pimlico Dr, Charles Town, WV 23438  
Billing Address: 8191 Strawberry Lane, Ste 3, Falls Church, VA 22042  
Telephone number: 304-725-2200  
Length of service: 5/5/2011 – present  
Type of service: Business internet and telephone

c. For IP Address 24.213.129.66 Charter Communications provided the following account information:

Account: 746677702  
Account: Port of Oswego Authority d/b/a Oswego Marina  
Address: 3 Basin Street, Oswego, NY 13126  
Billing address: 1 East 2nd Street, Oswego, NY 13126  
Phone: 315-343-4503

22. Your affiant's analysis of the Kik provided IP address connection logs reveal the following:

a. On April 30, 2018 from approximately 9:06 am to 9:19 am "Capnhook1064" used IP address 65.110.151.217 (registered to Keith Hook's home address), when uploading/sending the child pornography video described in paragraph 10.

b. On April 30, 2018 from 9:43 pm to 12:22 am on May 1, 2018, "Capnhook1064" used IP address 65.110.151.217 (registered to Keith Hook's home address), when uploading/sending the child pornography videos IMG\_0104.mp4 described in paragraph 14 and IMG\_0115.mp4 described in paragraph 15.

**PUBLIC RECORDS & LAW ENFORCEMENT RECORDS RELATED TO HOOK**

23. Law enforcement record checks revealed that Keith E. Hook, is currently a United States Border Patrol Agent employed out of the Oswego, NY Border Patrol station.

24. On June 11, 2018, your affiant served a DHS Summons to Hampton Inn, 157 Pimlico Dr., Charles Town, WV 23438 regarding any hotel reservations or stays regarding Keith Hook. On June 12, 2018, your affiant received the following information: Keith E. Hook, using the address identified as Hook's home address in Oswego, NY, checked-in to the Hampton Inn on April 3, 2018 at approximately 4:01 pm and departed April 7, 2017 at approximately 8:07 am. Hook stayed in room 327. Analysis of the Kik provided IP address connection logs for Capnhook1064 show that between April 3, 2018 at 8:10 pm and April 7, 2018 12:18 am the only IP address that connected to Kik user name Capnhook1064 was IP address 184.13.119.2 belonging to the Hampton Inn in West Virginia. This IP address connected seventy-three times during the above-mentioned time frame.

25. On June 11, 2018, your affiant received Oswego Border Patrol work schedules for Keith Hook from April 1, 2018 to Present. Border Patrol work schedules show that on April 3rd and 7th, 2018 Hook was in a travel status, while on April 4-6, 2018 Hook was in training at the U.S. Customs and Border Protection Advanced Training Facility which is located less than 5 miles from the Hampton Inn.

26. A review of the Oswego Border Patrol work schedules and Kik provided IP address connection logs between April 2, 2018 and May 1, 2018 show that Hook was on shift as a Border Patrol Agent on every occasion that IP address 24.213.129.66, belonging to the account of Port of Oswego Authority d/b/a Oswego Marina, was used to access Kik messenger user name "Capnhook1064". The IP address was used on six (6) different days between April 11, 2018 and April 28, 2018.

**SEARCH WARRANT AND INTERVIEW**

27. On July 2, 2018, law enforcement officers executed a federal search warrant at the residence of Keith Hook in Oswego, NY. During the course of the execution of this search warrant, Hook agreed to be interviewed. During the interview, Hook admitted to HSI Special Agent Lon Ziankoski, that he was the sole user of the Kik account "Capnhook1064" and that he had been using that Kik account to receive child pornography from other Kik users in various chat groups for 3 to 4 years. He further admitted to then sharing the child pornography images and videos he received with other Kik users.

28. Hook signed a written statement admitting to receiving and distributing child pornography using the Kik app both at home and while at work. According to Hook, these images and videos include a wide age of children including toddlers.

29. Agent Ziankoski presented to Hook, screen shots of the chat sessions, referenced above. Hook admitted that he recognized the chats and recalled sharing the following child pornography video files:

A video identified as IMG\_0115.MP4 which is 1 minute 23 seconds in length and depicts a young female child approximately 3-6 years of age performing oral sex on an adult male's penis.

An image identified as a 1 minute 24 second video (identified as IMG\_0104.MP4) depicting a minor male approximately 10-13 years of age performing oral sex on what appears to be an adult male.

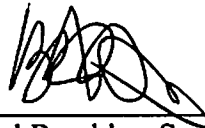
30. A limited forensic preview of an iPod Hook identified as belonging to him revealed that the Kik messenger application was installed on the device. The forensic preview also revealed 34 identifiable child pornography image files and 2 identifiable child pornography video files. Those files include:

- a) Image File: 5bc25a9c-6b82-4093-acd0-598e5c588c09\_embedded\_1.jpg: This image depicts an 8 to 10 year old female being anally raped.

- b) Image File: 51add6e8-d5e0-4fcf-bf4ec46c0f9c21de\_embedded\_1.jpg: This image depicts a female toddler being raped.
- c) Image File: 3b706aac-d94c-4a5f-a4ff-73dfd1775a7b\_embedded\_1.jpg: This image depicts a screen shot from the video Hook sent to the UC where a young female child approximately 3-6 years of age is performing oral sex on an adult male's penis.
- d) Video File: 5bc25a9c-6b82-4093-acd0-598e5c588c09\_embedded\_1.jpg: This 44 second video depicts an 8 to 10 year old female being anally raped.

**CONCLUSION**

31. Based on the foregoing information, there is probable cause to conclude that Keith E. Hook has knowingly distributed child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce, that is, through Kik messenger sharing, in violation of Title 18, United States Code, Section 2252A(a)(2)(A).



Brad Brechler, Special Agent  
Homeland Security Investigations  
Department of Homeland Security

Sworn and subscribed before me  
this 2nd day of July, 2018.



HON. ANDREW T. BAXTER  
UNITED STATES MAGISTRATE JUDGE